

**MINUTES  
MARSHALL CITY ZONING BOARD OF APPEALS  
THURSDAY, AUGUST 19, 2021**

In a regular session, Thursday, August 19, 2021 at 7:00 p.m. held at City Hall, Training Room, 323 West Michigan Avenue, Marshall, Michigan, the Marshall Zoning Board of Appeals meeting was called to order by Chair Fisher-Short.

**ROLL CALL**

Members Present: Members Byrne, Daily, Fisher-Short, Karns, and Wolfersberger  
Members Absent:

Staff Present: Trisha Nelson, Planning and Zoning Administrator  
Eric Zuzga, Director of Special Projects

**AGENDA**

**MOTION** by Wolfersberger, supported by Karns, to accept the agenda for the Thursday, August 19, 2021 as presented. On a voice vote; **MOTION CARRIED.**

**MINUTES**

**MOTION** by Karns, supported by Daily, to accept the agenda for the Thursday, June 15, 2021 as presented. On a voice vote; **MOTION CARRIED.**

**PUBLIC COMMENTS ON AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

APPEAL #21.02 – Carolyn King, owner of 729 W. Hanover, for a dimensional variance from requirement section: 3.13.3 (D) DEVELOPMENT STANDARDS. The owner is seeking a dimensional variance to decrease the side yard setback from 5 feet to 2 feet.

Carolyn King of 729 W Hanover would like to make her garage bigger as it is not to fit a car in the garage and open the doors of the car. She further stated that she is currently redoing the entire house and would like to do this expansion at the same time.

Karns questioned if the picket fence is King's. King stated that it was and that it was about 2 feet away from the property line. Daily questioned if the man door was original to the structure. King stated that she believes it was original to the design. Daily questioned if it leads into the house or the garage. King stated that it goes into the garage. Daily questioned if there was any thought given to getting rid of the man door in order to widen things. King stated it was briefly

considered, but that the door serves as the main entrance into the house. Fisher-Short questioned if there was anything from the neighbors. King stated that the neighbor next door was fine with it.

Daily questioned if any contractors had been out to look at the property. King stated that she had called many, but has only been dealing with one. Daily questioned if the contractor had discussed taking out the man door opposed to getting the variance. King stated that she did not want to remove the door if there was any other possibility.

Karns questioned if the garage was part of the original structure. King stated that she believes part of it was, but that there was an extension on to the back at some point. Karns questioned if she planned to keep the smaller overhang on that side or if she was planning to extend it. King stated she would like it to match the rest of the house with the larger overhang. Karns questioned if the variance included the overhang. Nelson stated that the variance would allow for the overhang to be right on the property line. King stated that she would be willing to pull the overhang back some.

Board members went over the dimensional variance worksheet.

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted use. ***Daily stated that it does not allow the owner to not have a garage, as there is already there, with a door, it is just a tight fit and that the extension would have a significant encroachment on the property line with the overhang being right on the property line. He also stated that there is the option of the man door being gone to allow for more space. Wolfersberger stated that it does appear that the garage was added on at some point and that the lot does appear to be noticeably smaller than others in the area.***
2. The variance will do substantial justice to the applicant, as well as to the property owners, and a lesser variance that requested will not give substantial relief to the applicant or be consistent with justice to other property owners. ***Fisher-Short stated that a lesser variance wouldn't accomplish the request of the appeal with the space available. Daily stated that the problem is the eaves being on the property line, as if the neighbor ever wanted to put anything there, the space wouldn't exist. He further stated that if the neighbors at any point wanted a fence, it would be right under the eaves. Fisher-Short stated that any maintenance would require going on to the neighbor's yard.***
3. The need for the variance is due to unique circumstances peculiar to the land or the structures involved that are not applicable to other land or structures in the same district. ***The board agreed that the parcel is narrower than others, but did not feel that allows them to encroach on the neighbors.***
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. ***The board agreed that the problem is not self-created, as it was there when it was purchased and cars have gotten larger since it was built.***
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare. ***Fisher-Short stated that there is potential***

*adverse impacts to the neighboring property. Byrnes stated that if there was a fire it would be difficult to get between.*

6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than a mere inconvenience or an inability to attain a higher financial return. *Wolfersberger stated that a garage that can fit a car is more desirable than one for storage. Daily stated that saying there is a hardship is difficult without pursuing every possible avenue without having to seek the variance, not to mention the possible hardships that would be put on the neighboring property owner.*

**MOTION** by Daily, supported by Byrne to approve APPEAL #21.02 – Carolyn King, owner of 729 W. Hanover, for a dimensional variance from requirement section: 3.13.3 (D) DEVELOPMENT STANDARDS. The owner is seeking a dimensional variance to decrease the side yard setback from 5 feet to 2 feet. On a roll call vote; ayes- Karns, Wolfersberger, Byrne; nays- Daily, Fisher-Short; **MOTION CARRIED.**

APPEAL #21.03 – Erich Hebel, owner of 213 W. Prospect, for a dimensional variance from requirement section: 3.13.3 (D) DEVELOPMENT STANDARDS. The owner is seeking a dimensional variance to decrease the side yard setback from 5 feet to 4 feet and the rear yard setback decreased from 15 feet to 6 feet.

Erich Habel, 213 W Prospect, stated that their house is located in the historical district and that there is no evidence of there ever being a garage on the property. He further stated that every vehicle they have is larger and they are only looking for a car and a half garage, while still maintaining 10 feet from the house so this is the only location for it to fit. He stated that the entire yard is fenced in and that the only thing neighboring would be other garages.

Karns questioned how close the fence is to the property line. Habel stated that it is about 2 inches to the property line. Karns questioned how close the neighbor to the south was to the property line. Habel stated he believes it is around 10-12 feet of empty space, which the neighbor on the west is about 8 feet. Wolfersberger questioned why the location to the west of the home. Habel stated that moving it would detract from the curb appeal and would take away space from the yard for his children to play. Karns questioned if the shed would stay. Habel stated it would. Daily questioned if it would be a single door garage. Habel stated it would be a single offset door with space to work on the other side. Daily questioned if it could be turned sideways. Habel stated that would eliminate the entire back yard. Daily questioned what was on the other sides of the fence. Habel stated that it was the neighbor's yard and then their garage.

Byrne asked if any neighbors had complaints. Habel stated that a few neighbors came and questioned what the notice was for, but were fine with it. He further stated that the garage would be in line with the rest of the work that is being done around the property and that the exterior of the garage would match the exterior of the home. Daily questioned if there had been any preliminary designs that had been looked at. Habel stated that it would simply be a rectangular garage with 8-foot walls and a 5/12 pitch. Daily questioned if there were any limits on the type of construction. Nelson stated that there was nothing in the ordinance to limit the construction materials. Habel stated that they planning to match the look of the house. He further stated that the neighbor has a pole barn style and they have no intentions of doing that.

Board members went over the dimensional variance worksheet.

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted use. *Daily questioned if the petitioner had considered a smaller structure. Habel stated that he actually wanted bigger and paired it down as much as they could considering the size of their vehicles. Fisher Short stated that even in the immediate area many homes have garages.*
2. The variance will do substantial justice to the applicant, as well as to the property owners, and a lesser variance that requested will not give substantial relief to the applicant or be consistent with justice to other property owners. *The board agreed that a smaller variance would not work for the petitioner.*
3. The need for the variance is due to unique circumstances peculiar to the land or the structures involved that are not applicable to other land or structures in the same district. *The board agreed that there were no unique circumstances other than how the property lines come together.*
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. *The board agreed it is to an extent as they have large vehicles, which creates the need for a larger structure.*
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare. *The board agreed that the placement of it is a safe place away from other structures for fire safety.*
6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than a mere inconvenience or an inability to attain a higher financial return. *The board agreed that the biggest inconvenience would be that they would not have the size structure that they would like to have.*

**MOTION** by Byrne, supported by Daily to approve APPEAL #21.03 – Erich Hebel, owner of 213 W. Prospect, for a dimensional variance from requirement section: 3.13.3 (D) DEVELOPMENT STANDARDS. The owner is seeking a dimensional variance to decrease the side yard setback from 5 feet to 4 feet and the rear yard setback decreased from 15 feet to 6 feet. On a roll call vote; ayes- Karns, Wolfersberger, Byrne, Daily, Fisher-Short; nays- None; **MOTION CARRIED.**

#### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None

#### **REPORTS**

None

#### **ADJOURN**

The Zoning Board of Appeals adjourned at 7:55 p.m.

Submitted by,

Michelle Eubank